

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

7 MARCH 2006

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Michael L. Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Yvonne J. Johnson, Thomas M. Phillips and Goldie F. Wells. Absent: None. Also present were Mitchell Johnson, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting opened with a moment of silence and the Pledge of Allegiance to the Flag.

The Manager recognized Ruth Bowden, employee in the Executive Department, who served as courier for the meeting.

The Mayor explained the Council procedure for conduct of the meeting.

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There were no speakers from the floor at this time.

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At the Mayor's request, Councilmember Johnson read into the minutes and moved adoption of a resolution congratulating Joey Cheek for winning the Olympic Gold Medal for the 500 meter and for winning the Olympic Silver Medal for the 1000 meter long-track speed skating events in Turin-Italy. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

38-06 RESOLUTION CONGRATULATING JOEY CHEEK FOR WINNING THE OLYMPIC GOLD MEDAL FOR THE 500 METER AND FOR WINNING THE OLYMPIC SILVER MEDAL FOR THE 1000 METER LONG-TRACT SPEEDSKATING EVENTS IN TURIN-ITALY

WHEREAS, the citizens of Greensboro are proud of having Joey Cheek as a Gold and Silver Medal winner in the 500 and 1000 meter speed skating events of the 2006 Winter Olympic Games held in Turin-Italy;

WHEREAS, Cheek, a Dudley High School graduate was born and raised in Greensboro before moving to Calgary to train to become a world-class speed skater;

WHEREAS, he is believed to be the only Greensboro native to win medals in the Winter Games;

WHEREAS, the City of Greensboro is duly proud of Joey Cheek and to this end wishes to express its congratulations for these most hard earned accomplishments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, on behalf of the citizens of Greensboro, the City Council does hereby congratulate Joey Cheek for winning the Olympic Gold and Silver Medals speed skating in the 2006 Winter Olympic Games in Turin-Italy and for the great pride and honor he has recently brought to our City by his achievements.

(Signed) Yvonne J. Johnson

Mayor Holliday spoke to efforts to provide a recognition event for Mr. Cheek to enable citizens to honor him and his positive representation of Greensboro; he noted the recognition would be planned to accommodate Mr. Cheek's schedule.

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At the Mayor's request, Councilmember Bellamy-Small read into the minutes a resolution honoring the memory of the late Jonathan Anthony "Tony" McKee, Jr. She noted that family members and school system representatives were present in the Chamber for this recognition. Councilmember Johnson moved to adopt the resolution. The motion was seconded by Councilmember Wells; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

39-06 RESOLUTION HONORING THE MEMORY OF THE LATE JONATHAN ANTHONY "TONY" MCKEE, JR.

WHEREAS, on February 11, 2006, this community lost one of its outstanding community leaders with the death of the Jonathan Anthony "Tony" McKee, Jr. at the age of 45;

WHEREAS, Mr. McKee, a native of Greensboro, graduated from James B. Dudley High School in 1978 and went on to attend Virginia Polytech Institute on a football scholarship and later returned to receive his Bachelor of Science degree in Marketing Education in 1986;

WHEREAS, while attending Virginia Polytech, Tony was a four-year wide receiver letterman, named "most outstanding offensive lineman" in 1979 and 1982, received the "Hustin" Hokie Award for three consecutive years, and started as a wide receiver in the 1980 Peach Bowl;

WHEREAS, in 1983, he was drafted by the Dallas Cowboys where he played for a short time before signing with the Pittsburgh Maulers of the USFL;

WHEREAS, his coaching career began in 1986 at Ben L. Smith High School and after several coaching positions, he returned to Greensboro in 1996 to take the position of head football coach at Smith until 2004, before he accepted his next football assignment at Towers High School in Decatur, Georgia;

WHEREAS, in 1998, while coaching at Smith High School, Tony was named Guilford County Coach of the Year;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by Jonathan Anthony "Tony" McKee, Jr. the outstanding contributions he has made to the community, and the legacy he leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Jonathan Anthony "Tony" McKee, Jr.
2. That a copy of this resolution shall be delivered to the family of the late Jonathan Anthony "Tony" McKee as a symbol of the gratitude of the people of Greensboro for his many contributions to this community.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits of property located on Dover Park Road—5.81 acres.

Richard “Dick” Hails, Planning Department Director, noted this was the 26th annexation of property at Grandover, advised it was the only property over which Guilford County had granted the City extraterritorial jurisdiction and stated that zoning was already in place for this property.

After Mayor Holliday asked if anyone wished to speak to this matter, no one indicated they wished to speak.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-37 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON DOVER PARK ROAD – 5.81 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the existing Greensboro satellite city limits, said point being on the west right-of-way line of Dover Park Road at the southwestern end of curve “C20” on Sheet 3 of Grandover, Section 6, Phase 1, as recorded at Plat Book 117, Page 149 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 62° 18’ 49” W 115.97 feet to a point; thence N 2° 11’ 08” W 184.49 feet to a point; thence N 7° 05’ 13” E 469.17 feet to a point; thence N 26° 15’ 19” E 98.70 feet to a point; thence N 59° 13’ 10” E 86.04 feet to a point; thence N 29° 22’ 32” E 74.28 feet to a point; thence N 25° 25’ 26” E 56.47 feet to a point; thence N 31° 58’ 00” E 42.49 feet to a point; thence N 61° 19’ 11” E 33.96 feet to a point; thence S 86° 16’ 07” E 34.47 feet to a point in the west right-of-way line of Dover Park Road; thence along said right-of-way line S 8° 24’ 32” E 107.34 feet to a point; thence S 13° 26’ 57” E 250.02 feet to a point; thence departing from said right-of-way line S 11° 37’ 33” W 393.47 feet to a point on said right-of-way line; thence continuing with said right-of-way line S 36° 42’ 09” W 237.66 feet to a point; thence continuing with said right-of-way line with a curve to the left having a radius of 772.00 feet and a chord bearing and distance of S 40° 27’ 28” W 101.12 feet to the Point an Place of Beginning, containing 5.81 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner’s expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after May 31, 2006, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 1/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after May 31, 2006.

(Signed) Yvonne J. Johnson

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits of property located at 1717 Guilford College Road—8.654 acres and an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional District-RM-5 Residential Multifamily for property located on the east side of Guilford College Road between Jaykat Lane and Gardner Lane.

Mr. Hails reviewed the zoning proposal; presented a context map and photographs to describe the subject property and surrounding area; reviewed a 2005 request to rezone this property that had been defeated by Council and the differences between that proposal and the one proposed at this meeting; read conditions attached to the zoning request; and stated the Zoning Commission had recommended approval of the rezoning.

Mayor Holliday asked if anyone wished to speak to these matters.

Barry Siegal, 3411-D West Wendover Avenue, reviewed the earlier rezoning request, spoke to unsuccessful efforts to purchase property to the south, and stated that he believed the proposal was compatible with some of the existing development in the neighborhood. Mr. Siegal spoke to discussions with neighbors about the proposed zoning and noted their discussions had been addressed; he presented a letter signed by neighbors purportedly in support of the rezoning. The City Attorney advised Council could accept the letter; however, because Mr. Siegal had not witnessed the signatures, it couldn't be given probative value.

Jeff Gtuernier, 720 West Main Street, Jamestown, NC and President Orleans Home Builders, spoke in favor of the rezoning and noted the site was difficult to develop. He spoke to efforts to inform the neighborhood of the proposed development and for illustrative purposes only, he shared photographs of similar development projects.

There being no additional speakers, Councilmember Phillips moved to close the public hearing. The motion was seconded by Councilmember Wells and adopted unanimously by voice vote of Council.

Mr. Hails stated the proposal was considered to be in conformity to General Future Land Use Map (GFLUM) recommendations, that the conditions on the request offered additional protection for the surrounding area and ensured compliance and that staff recommended in favor of the annexation and zoning.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits of property located at 1717 Guilford College Road—8.654 acres. The motion was seconded by Councilmember Wells; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-38 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 1717 GUILFORD COLLEGE ROAD – 8.654 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the new eastern right-of-way line of Guilford College Road, said point being S 87° 10' 56" E 22.03 feet from the northwest corner of Lot 13 of G. G. Merritt Estate, as recorded in Plat Book 17, Page 5 in the Office of the Guilford County Register of Deeds; thence S 87° 10' 56" E 284.31 feet along the northern line of Lot 13 of said subdivision to the southwest corner of Robert D. and Jeanne K. Spillers, as recorded in Deed Book 4022, Page 525 in the Office of the Register of Deeds; thence S 87° 10' 56" E 290.05 feet along the northern line of said Lot 13 to the southeast corner of Spillers; thence S 87° 10' 56" E 399.73 feet along the northern line of said Lot 13 to the southeast corner of John H. and Creola P. Stiles, as recorded in Deed Book 2235, Page 625 in the Office of the Register of Deeds; thence S 87° 10' 56" E 290.20 feet along the northern line of said Lot 13 to the southeast corner of Donna K. and Michael J. McLaughlin, as recorded in Deed Book 4439, Page 931 in the

Office of the Register of Deeds; thence S 87° 10' 56" E 608.51 feet along the northern line of said Lot 13 to the northeast corner of said Lot 13; thence S 03° 23' 36" W 200.11 feet along the eastern lines of said Lot 13 and Lot 14 of said subdivision to the southeast corner of said Lot 14; thence N 87° 10' 26" W 1,897.50 feet along the southern line of said Lot 14 to a point in the new eastern right-of-way line of Guilford College Road; thence N 10° 25' 52" E approximately 201.61 feet along said eastern right-of-way line to the point and place of BEGINNING, and containing 8.654 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after May 31, 2006, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 1/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after May 31, 2006.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved to approve the rezoning request and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on the east side of Guilford College Road from County RS-40 to City CD-RM-5, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because: it is generally consistent with the Moderate Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, the property is located in Tier One where development is to be encouraged over the ten-year period and it promotes compact development. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-39 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF GUILFORD COLLEGE ROAD BETWEEN JAYKAT LANE AND GARDNER LANE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning Conditional District – RM-5 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the new eastern right-of-way line of Guilford College Road, said point being S 87° 10' 56" E 22.03 feet from the northwest corner of Lot 13 of G. G. Merritt Estate, as recorded in Plat Book 17,

Page 5 in the Office of the Guilford County Register of Deeds; thence S 87° 10' 56" E 284.31 feet along the northern line of Lot 13 of said subdivision to the southwest corner of Robert D. and Jeanne K. Spillers, as recorded in Deed Book 4022, Page 525 in the Office of the Register of Deeds; thence S 87° 10' 56" E 290.05 feet along the northern line of said Lot 13 to the southeast corner of Spillers; thence S 87° 10' 56" E 399.73 feet along the northern line of said Lot 13 to the southeast corner of John H. and Creola P. Stiles, as recorded in Deed Book 2235, Page 625 in the Office of the Register of Deeds; thence S 87° 10' 56" E 290.20 feet along the northern line of said Lot 13 to the southeast corner of Donna K. and Michael J. McLaughlin, as recorded in Deed Book 4439, Page 931 in the Office of the Register of Deeds; thence S 87° 10' 56" E 608.51 feet along the northern line of said Lot 13 to the northeast corner of said Lot 13; thence S 03° 23' 36" W 200.11 feet along the eastern lines of said Lot 13 and Lot 14 of said subdivision to the southeast corner of said Lot 14; thence N 87° 10' 26" W 1,897.50 feet along the southern line of said Lot 14 to a point in the new eastern right-of-way line of Guilford College Road; thence N 10° 25' 52" E approximately 201.61 feet along said eastern right-of-way line to the point and place of BEGINNING, and containing 8.654 acres.

Section 2. That the original zoning of Conditional District – RM-5 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to townhomes designed for sale and their related uses (e.g. amenities).
- 2) Maximum of 42 townhomes.
- 3) Townhomes not to exceed 2 stories in height.
- 4) The exterior of each townhome will be constructed out of the primary building materials consisting of either brick, stone, masonry material (e.g. stucco), vinyl, or wood.
- 5) Lighting to be directed inward or shielded from adjacent properties.
- 6) A 20-foot wide landscape buffer shall be installed and maintained from the back of curb of Guilford College Road to the eastern property line on both the north and south sides of the property.
- 7) A landscape berm with evergreen trees planted 12 foot on center will be installed on the north side of the property along those portions of the property that back up to the existing single family homes. The berm will be a minimum of 4 feet in height.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

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The Mayor recognized members of Boy Scout Troop 216 who were present at the meeting.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits of property located at 2013 Willow Road-4.79 acres and an ordinance establishing original zoning classification from County Zoning Light Industrial for property located on the east side of Willow road between Rotherwood Road and Interstate 40/85.

Mr. Hails reviewed the proposal; presented a context map and photographs to describe the subject property and surrounding area; and stated the Zoning Commission had recommended approval of the rezoning.

The Mayor asked if anyone wished to speak to these matters.

Johnny Teeters, Chief of the Greensboro Fire Department, spoke in favor of the annexation and zoning, stated this property was the proposed site for a fire station to serve the area, noted staff had met with neighbors to discuss the proposed development, and requested Council's approval of the annexation and zoning. In response to Council inquiries, Chief Teeters detailed the manner in which Fire Department personnel would work to minimize the noise from responding vehicles and protect the neighborhood.

There being no additional speakers, Councilmember Bellamy-Small moved to close the public hearing. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Mr. Hails stated that this rezoning request was compatible with the GFLUM recommendations for the area and would accommodate a use to help expand City fire services to serve this part of the city; he stated that the growth was compatible with the surrounding area.

Councilmember Wells moved adoption of the ordinance annexing territory to the corporate limits of property located at 2013 Willow Road-4.79 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-40 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 2013 WILLOW ROAD – 4.79 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of December 31, 2005), said point being the intersection of the centerline of Willow Road and the westward projection of the south line of Lot 1 of Exclusion Plat for City of Greensboro/Fire Department, as recorded at Plat Book 160, Page 62 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a northerly direction with said centerline approximately 1,600 feet to a corner in the existing city limits; thence in an easterly direction approximately 30 feet to a point in the east right-of-way line of Willow Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a southerly direction with said right-of-way line approximately 1,200 feet to the northwest corner of said Lot 1; thence S 85° 44' 00" E 398.18 feet along the north line of said Lot 1 to its northeast corner; thence S 05° 20' 00" W 400.00 feet along the east line of said Lot 1 to its southeast corner, a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 85° 44' 00" W approximately 428 feet along the south line of said Lot 1 and the westward projection thereof to the point and place of BEGINNING, containing approximately 4.79 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after May 31, 2006, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 1/12 of the total amount of taxes that would be due for the entire fiscal year. The

due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after May 31, 2006.

(Signed) Goldie F. Wells

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Councilmember Johnson moved to approve the rezoning request and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on the east side of Willow Road from County Zoning RS-30 & LI to City Zoning LI, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because: the property is located in Tier One where development is to be encouraged over the ten-year period; it ensures that service delivery departments are provided with adequate new resources to serve newly annexed areas; and it provides community facilities, services, and infrastructure in a cost-effective manner to meet citizens' needs, contribute to quality of life and support desired land use patterns. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-41 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF WILLOW ROAD BETWEEN ROTHERWOOD ROAD AND INTERSTATE 40/85

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family and Light Industrial to City Zoning Light Industrial uses for the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of December 31, 2005), said point being the intersection of the centerline of Willow Road and the westward projection of the south line of Lot 1 of Exclusion Plat for City of Greensboro/Fire Department, as recorded at Plat Book 160, Page 62 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a northerly direction with said centerline approximately 1,600 feet to a corner in the existing city limits; thence in an easterly direction approximately 30 feet to a point in the east right-of-way line of Willow Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a southerly direction with said right-of-way line approximately 1,200 feet to the northwest corner of said Lot 1; thence S 85° 44' 00" E 398.18 feet along the north line of said Lot 1 to its northeast corner; thence S 05° 20' 00" W 400.00 feet along the east line of said Lot 1 to its southeast corner, a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 85° 44' 00" W approximately 428 feet along the south line of said Lot 1 and the westward projection thereof to the point and place of BEGINNING, containing approximately 4.79 acres.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set to consider an ordinance annexing territory to the corporate limits of property located at 4090-4094 Battleground Avenue—8.6 acres and an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the on the east side of U.S. 200 North between Owls Roost Road and Brandt Lake Court.

Mr. Hails reviewed the proposal; presented a context map to describe the subject property and surrounding area; advised there were no conditions attached to the zoning request; and stated the Zoning Commission had recommended approval of the rezoning. At Council's direction, Mr. Hails waived the showing of photographs of the property.

The Mayor asked if anyone wished to speak to these matters.

Samuel Richardson, 4094 Battleground Avenue, spoke to the proposed expansion of their church and the desire to be located inside the city to receive water and sewer services; he requested Council to approve the annexation and zoning.

There being no additional speakers, Councilmember Bellamy-Small moved to close the public hearing. The motion was seconded by Councilmember Gatten and adopted unanimously by Council.

Mr. Hails stated the request was consistent with Comprehensive Plan requirements and that staff recommended approval.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits of property located at 4090-4094 Battleground Avenue—8.6 acres. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-42 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 4090-4094 BATTLEGROUND AVENUE – 8.6 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of December 31, 2005), said point being S 65° 48' 25" W 150 feet from the southeast corner of Battleground Avenue (U.S. Highway 220N) and Owl's Roost Road (NCSR # 2337); THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 65° 48' 25" E 150 feet, crossing Battleground Avenue, to said southeast corner, also being the northwest corner of Phase Two of Davidson Place, as recorded at Plat Book 138, Page 99 in the Office of the Register of Deeds of Guilford County; thence with the west line of said Phase Two the following three courses and distances: S 24° 11' 35" E 126.14 feet to a point, N 65° 44' 27" E 361.27 feet to a point, and S 26° 03' 33" E 560.12 feet to a point in the north line of Lot 2 of Section 1 of Brandt Lake Farms, as recorded at Plat Book 86, Page 104 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 85° 01' 18" W 74.35 feet with the north line of said Lot 2 to its northwest corner; thence S 24° 09' 43" E 210.71 feet with the west line of said Lot 2 to the easternmost corner of Lot 5 of Carrie Nicholson Subdivision, as recorded at Plat Book 17, Page 88 in the Office of the Register of Deed; thence N 89° 43' 42" W 215.38 feet with the north line of said Subdivision to the easternmost corner of Lot 1 of said Subdivision; thence S 61° 30' 16" W approximately 230 feet with the south line of said Lot 1 and the projection thereof to a point on the west right-of-way line of Battleground Avenue; thence in a northerly direction with said right-of-way line approximately 870 feet to the point and place of BEGINNING, and containing approximately 8.6 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after May 31, 2006, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 1/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after May 31, 2006.

(Signed) Thomas M. Phillips

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Councilmember Bellamy-Small moved to approve the rezoning request and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on the east side of U.S. 220 North from County Zoning RS-40 to City Zoning RS-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because: it is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, the property is located in Tier One where development is to be encouraged over the ten-year period, and it provides a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, and provides for the efficient provision of public services and facilities as the City expands. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-43 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF U.S. 220 NORTH BETWEEN OWLS ROOST ROAD AND BRANDT LAKE COURT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of December 31, 2005), said point being S 65° 48' 25" W 150 feet from the southeast corner of Battleground Avenue (U.S. Highway 220N) and Owl's Roost Road (NCSR # 2337); THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 65° 48' 25" E 150 feet, crossing Battleground Avenue, to said southeast corner, also being the northwest corner of Phase Two of Davidson Place, as recorded at Plat Book 138, Page 99 in the Office of the Register of Deeds of Guilford County; thence with the west line of said Phase Two the following three courses and distances: S 24° 11' 35" E 126.14 feet to a point, N 65° 44' 27" E 361.27 feet to a point, and S 26° 03' 33" E 560.12 feet to a point in the north line of Lot 2 of Section 1 of Brandt Lake Farms, as recorded at Plat Book 86, Page 104 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 85° 01' 18" W 74.35 feet with the north line of said Lot 2 to its northwest corner; thence S 24° 09' 43" E 210.71 feet with the west line of said Lot 2 to the easternmost corner of Lot 5 of Carrie Nicholson Subdivision, as recorded at Plat Book 17, Page 88 in the Office of the Register of Deed; thence N 89° 43' 42" W 215.38 feet with the north line of said Subdivision to the easternmost corner of Lot 1 of said Subdivision; thence S 61° 30' 16" W approximately 230 feet with the south line of said Lot 1 and the projection thereof to a point on the west right-of-way line of Battleground Avenue; thence in a northerly direction with said right-of-way line approximately 870 feet to the point and place of BEGINNING, and containing approximately 8.6 acres.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) T. Dianne Bellamy-Small

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) from the Low Residential to the Moderate Residential land use classification for a portion of property located on the southwest quadrant of West Friendly Avenue and Lindley Road and an ordinance rezoning from RS-15 Residential Single Family to Conditional District-RM-18 Residential Multifamily for property located at the southwest quadrant of West Friendly Avenue and Lindley Road.

Mr. Hails, Planning Department Director, reviewed the proposal; presented a context map and photographs to describe the subject property and surrounding area; read conditions attached to the zoning request; and stated the Zoning Commission had recommended approval of the rezoning.

The Mayor asked if anyone wished to speak to these matters.

Michael Fox, attorney with offices at 100 North Greene Street and representing the applicants, reviewed the zoning history of the property and noted the previous zoning request was not a good fit with the neighborhood and had been withdrawn by the applicant. He stated that the proposed zoning offered less density, was a good project for the property, and was consistent with some area development. Mr. Fox stated further that the project would have no negative impact on area traffic and offered a good buffer for the single family neighborhood.

There being no additional speakers, Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Discussion was held with regard to the differences between the earlier and current zoning proposals and the ordinance requirements with regard to the timeframe for submitting zoning requests. Councilmember Gatten expressed her concerns about the proposed density, the amassing of buildings and the fact that the proposed rezoning would be reflected as RM-18; she questioned whether a notation could be made on the map to denote this zoning was more restrictive due to conditions for the benefit of future councils and to ensure that a precedent would not be set.

In response to the Mayor's inquiry, the City Attorney advised that the Council did not have the authority to consider RM-12 zoning for this property at this time. City Attorney Miles advised that Council could consider changing the current ordinance to allow an additional request for the same zoning classification for the same property within a one-year period, agreed that she was not comfortable with the RM-18 zoning for the property unless the map noted the property had higher density with conditions and stated the purpose of this type of request was to circumvent the one-year rule in the current ordinance.

Councilmember Barber moved adoption of the ordinance amending Chapter 30, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) from the Low Residential to the Moderate Residential land use classification for a portion of property located on the southwest quadrant of West Friendly Avenue and Lindley Road. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Groat, Holliday, Johnson, Phillips and Wells. Noes: Gatten.

06-44 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from Low Residential to the Moderate Residential for a portion of the property located on the southwest quadrant of West Friendly Avenue and Lindley Road; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective on March 7, 2006.

(Signed) Mike Barber

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Councilmember Barber moved to approve the rezoning request and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located at the southwest quadrant of West Friendly Avenue and Lindley Road from RS-15 to CD-RM-18, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because: it meets the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life; it promotes mixed-income neighborhoods; and it promotes the diversification of new housing stock. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Groat, Holliday, Johnson, Phillips and Wells. Noes: Gatten.

06-45 AMENDING OFFICIAL ZONING MAP

SOUTHWEST QUADRANT OF WEST FRIENDLY AVENUE AND LINDLEY ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-15 Residential Single Family to Conditional District – RM-18 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the western right-of-way line of Lindley Road, said point being the northeast corner of Lot 28 of Archdale Acres Subdivision as recorded in Plat Book 23, Page 61 in the Office of the Guilford County Register of Deeds; thence S89°03'59"W 471.67 feet to a point at the southeast corner of Lot 1 of said Archdale Acres Subdivision; thence along the eastern line of said Lot 1 N02°01'30"E 232.10 feet to a point in the southern right-of-way line of West Friendly Avenue; thence with said southern right-of-way line along a curve to the left the following three chord courses and distances: 1) N81°58'28"E 120.15 feet to a point; 2) N77°11'38"E 196.77 feet to a point; and 3) N71°50'41"E 136.06 feet to a point at the intersection with the western right-of-way line of Lindley Road; thence S40°01'01"E 66.35 feet to a point in the western right-of-way line of Lindley Road; thence with said western right-of-way line the following three courses and distances: 1) S01°21'48"W 177.16 feet to a point; 2) N88°38'12"W 12.84 feet to a point; and 3) S01°21'48"W 98.88 feet to the point and place of BEGINNING.

Section 2. That the rezoning of RS-15 Residential Single Family to Conditional District – RM-18 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to a maximum of twenty-five (25) townhomes designed for sale.
- 2) The height of the buildings shall be limited to two stories.
- 3) The exterior of the buildings shall primarily consist of a brick finish.
- 4) Along the southern and western boundary of the property the planting rate shall be 3 canopy trees per 100 linear feet, 5 understory trees per 100 linear feet and 25 shrubs per 100 linear feet.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of adoption.

(Signed) Mike Barber

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from Conditional District-RM-5 Residential Multifamily to Conditional District-Limited Business for property located on the east side of Fleming Road between Chance Road and David Christian Place. The Mayor noted that this rezoning was considered and defeated at the February 7, 2006 Council meeting, stated that at the February 21, 2006 meeting Council adopted a motion to reconsider this matter to provide the applicant with an opportunity to propose additional amendments to the zoning originally considered and defeated, and advised that the rezoning had been re-advertised.

Noting he had given the staff presentation at the earlier public hearing for this matter, Mr. Hails suggested that the applicant be permitted to present his request for changes to the conditions in the proposed ordinance.

Mayor Holliday asked if anyone wished to speak to this matter.

Alan Weidt, residing at 6001 Thistle Trace and owner of the property, spoke in support of the rezoning and expressed appreciation for the opportunity to offer his plans to preserve the Bond-McAlister House and property. Reviewing past Council action with respect to the rezoning request, he stated that the proposal had some neighborhood support, that he believed the proposed use would be compatible with the surrounding area, that he had revised his request with regard to possible uses and that the Zoning Commission had recommended in favor of the rezoning. Mr. Weidt advised that the zoning change would allow him to move forward with plans to use the house.

Mr. Weidt reviewed the conditions already on record and requested Council to add the following: Uses will be additionally limited to: professional offices, restaurants (no drive-thru) and the following retail trade uses: antique stores, arts and crafts, gift shops, jewelry stores, florists, clothing stores and cosmetic shops. After brief discussion with regard to the request, Councilmember Gatten moved to add the conditions to the proposed ordinance as requested by Mr. Weidt. The motion was seconded by Councilmember Phillips and adopted by voice vote of Council. The conditions contained in the proposed ordinance, including the ones added at the request of Mr. Weidt, are as follows: 1) Uses will be additionally limited to Professional Offices; Restaurants (no drive-thru); and the following Retail Trade uses : Antique Stores, Arts & Crafts, Gift Shops, Jewelry Stores, Florists, Clothing Stores and Cosmetics Shops; 2) Any use with drive thru service and/or fuel service shall not be permitted; 3) The existing Bond-McAlister House and existing trees on the 1.994-acre lot will be retained and preserved; 4) Freestanding signage shall be limited to a monument sign with a maximum height of 6 feet and maximum size of 48 square feet. 5) No additional buildings or structures shall be placed, erected, or constructed on the property, except for an accessory storage building with a maximum gross floor area of 300 square feet; a dumpster enclosure; ornamental landscape features such as planters, arbors, trellises; and decorative fencing.

Using photos to illustrate the Bond-McAlister House, Bob Johnson, residing at 5612 Bledsoe Drive, spoke in support of the rezoning request and provided a detailed description of the current condition of the house; he offered his personal opinions as to why the house should be preserved and stated he believed the proposal for the House would be an asset to the community. After he stated that he had received information that neighbors who opposed the last request were now in favor of the rezoning, the City Attorney advised that Council could receive this information but, because the neighbors were not present in the Chamber, Council could place no value on this information.

After brief discussion with regard to surrounding development, parking for this proposed development, and restrictions contained in the ordinance, Councilmember Barber requested that Council allow him to abstain from voting due to conflict of interest. The City Attorney advised that because Councilmember Barber lived in the area and that his participation in the zoning matter could appear to have an impact on his property, he should abstain from voting. Councilmember Gatten moved that Councilmember Barber be permitted to abstain from voting of this matter due to conflict of interest. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

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The Mayor declared a recess at 7:15 p.m.

The meeting reconvened at 7:40 p.m. with all members of Council present.

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Tom Dukes, residing at 1902 Hayden Road, spoke in opposition to the rezoning, reviewed past rezoning requests, spoke to what he believed was the role of council in considering zoning matters, and described the surrounding area. He expressed his concerns with respect to the rezoning request, the proposed use of the Bond-McAlister House and the precedence this action could set; Mr. Dukes reviewed Council comments from the earlier rezoning hearing and spoke to his expectations of the maintenance and preservation of the Bond-McAlister House.

Virgil Tilsworth, residing at 4623 Country Woods Lane, discussed with Council his personal questions and concerns with regard to the proposed rezoning, including density, preservation of the house and property, current condition of house and property, etc. He also expressed his opinion about the property development and his belief that the property should remain residential. Individual members of Council addressed Mr. Tilsworth's concerns by advising that conditions in the proposed ordinance would prohibit additional structures and would preserve the house and property.

Janice Opalinski, residing at 1900 Haven Road, spoke in opposition and expressed her concern that the use of the house as a business would increase traffic congestion in the area.

No one spoke in rebuttal in favor of the rezoning.

Mr. Dukes reiterated his opposition to the rezoning and stated he believed this rezoning would set a bad precedence for future requests, that the checks and balances in place had not been followed; he offered his personal thoughts with regard to members of Council changing their positions with respect to this zoning.

Councilmember Phillips moved to close the public hearing. The motion was seconded by Councilmember Bellamy-Small and adopted by voice vote of Council.

Mr. Hails stated that the additional modifications were beneficial and would narrow the possible uses; he stated this request was more compatible with residential uses, and staff recommended in favor.

Councilmember Phillips stated that he could support this request because enough conditions had been added to make it compatible with the area and protect the house and property.

In response to Council inquiry with regard to protect property in the future, the City Attorney advised that Council could change the zoning on property and it was difficult to make any guarantees without restrictive covenants.

After further discussion, Councilmember Phillips moved to call the question. The motion was seconded by Councilmember Bellamy-Small and adopted by voice vote of Council.

Councilmember Gatten moved to approve the rezoning request and stated that he Greensboro City Council believes that its action to approve the zoning amendment, located on Fleming Road, from CD-RM-5 to CD-LB, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it is generally consistent with the Low Residential land use category indicated for this site, it preserves Greensboro's historic resources and heritage and it promotes rehabilitation of historic houses. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Carman, Gatten, Groat, Holliday, Phillips and Wells. Noes: Johnson; Councilmember Barber abstained due to conflict of interest.

06-46 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF FLEMING ROAD BETWEEN CHANCE ROAD AND DAVID CHRISTIAN PLACE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional District – RM-5 Residential Multifamily to Conditional District – Limited Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Fleming Road, said in the intersection with the southern right-of-way line of the proposed Isaacson Road alignment; thence along said proposed right-of-way line N10°32'13"E 70.33 feet to a point; thence along a curve to the right a chord bearing and distance N67°05'08"E 117.37 feet (radius = 530.00 feet) to a point; thence continuing along said proposed right-of-way N73°26'35"E 92.86 feet to a point; thence leaving said proposed right-of-way S16°31'53"E 167.26 feet to a point; thence N73°25'25"E 193.24 feet to a point; thence S00°35'47"W 306.33 feet to a point; thence N88°32'29"W 305.92 feet to a point in the eastern right-of-way line of Fleming Road; thence crossing Fleming Road N88°32'29"W 70 feet to a point in the western right-of-way line; thence along said western line along a curve to the left a chord bearing and distance N22°39'11"W 187.96 feet (radius = 566.16 feet) to a point; thence crossing Fleming Road in a northeasterly direction 70 feet to the point and place of BEGINNING, as shown on "Exhibit for Portrait Homes – McAlister Place" prepared by CPT Engineering and Surveying, Inc. and dated 10/12/05.

Section 2. That the rezoning of Conditional District – RM-5 Residential Multifamily to Conditional District – Limited Business is hereby authorized subject to the following use limitations and conditions:

- 1) Uses will be additionally limited to Professional Offices; Restaurants (no drive-thru); and the following Retail Trade uses : Antique Stores, Arts & Crafts, Gift Shops, Jewelry Stores, Florists, Clothing Stores and Cosmetics Shops.
- 2) Any use with drive thru service and/or fuel service shall not be permitted.
- 3) The existing Bond-McAlister House and existing trees on the 1.994-acre lot will be retained and preserved.
- 4) Freestanding signage shall be limited to a monument sign with a maximum height of 6 feet and maximum size of 48 square feet.
- 5) No additional buildings or structures shall be placed, erected, or constructed on the property, except for an accessory storage building with a maximum gross floor area of 300 square feet; a dumpster enclosure; ornamental landscape features such as planters, arbors, trellises; and decorative fencing.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of adoption.

(Signed) Florence F. Gatten

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Councilmember Bellamy-Small moved adoption of the Consent Agenda. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

40-06 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-47 WITH JIMMY R. LYNCH & SONS FOR THE SUMMIT AVENUE OUTFALL ANNEXATION PROJECT

WHEREAS, after due notice, bids have been received for the Summit Avenue Sewer Outfall Annexation project;

WHEREAS, Jimmy R. Lynch & Sons Construction Company, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$979,757.00 as general contractor for Contract No. 2005-47, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Jimmy R. Lynch & Sons Construction Company is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$979,757.00 from Account No. 511-7062-01.6017 Activity 04152.

(Signed) T. Dianne Bellamy-Small

(A tabulation of bids for the Summit Avenue Outfall Annexation Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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41-06 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-08A WITH KENNETH R. GREENE UTILITY CONTRACTOR, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT "E" PROJECT

WHEREAS, Contract No. 2000-08A with Kenneth R. Greene Utility Contractor, Inc. provides for the rehabilitation of 12,049 linear feet of sewer line by sliplining in various locations around the city;

WHEREAS, Water Resources has identified additional sewer lines that it would like to rehabilitate using this contract and this change order will allow additional work at an excellent price;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" annually from the award date, thereby necessitating a change order in the contract in the amount of \$1,000,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Kenneth R. Greene Utility Contractor, Inc. for the sanitary sewer rehabilitation project "E" project is hereby authorized at a total cost of \$1,000,000, payment of said additional amount to be made from Account No. 503-7015-02.6017 Activity 06080.

(Signed) T. Dianne Bellamy-Small

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42-06 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2006-002 WITH LANIER CONSTRUCTION, INC. FOR THE GENERAL SIDEWALK IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for sidewalk construction for eight (8) different projects and other associated items within the City;

WHEREAS, Lanier Construction, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$718,167.10 as general contractor for Contract No. 2006-002, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Lanier Construction, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$547,007.10 from Account No. 402-4531-01.6015 Activity #06123, and in the amount of \$171,160.00 from Account No. 441-6006-05.6015 Activity #06127.

(Signed) T. Dianne Bellamy-Small

(A tabulation of bids for the general sidewalk improvements project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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06-47 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARKS AND RECREATION GREENSBORO YOUTH COUNCIL ARTISTRY AWARDS

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5005-01.5255	Rental of land and buildings	\$ 600
220-5005-01.5221	Advertising	\$ 200
220-5005-01.5224	Printing	\$ 200
Total		\$ 1,000

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5005-01.8620	Donations & Private Contributions	\$ <u>1,000</u>
Total		\$ 1,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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43-06 RESOLUTION AUTHORIZING FIRST AMENDMENT TO WINDHILL, SEAGER PLACE AND RANKIN SCHOOL PLACE APARTMENTS MULTIFAMILY LOAN AGREEMENTS

WHEREAS, the City entered into three separate multifamily loan agreements for Windhill, Seager Place and Rankin School Place Apartments;

WHEREAS, the projects are subject to the North Carolina Housing Finance Agency's Qualified Allocation Plan ("NCHFA QAP") guidelines in theses loans;

WHEREAS, a recent Internal Audit identified inconsistencies in the loan agreements for these projects;

WHEREAS, the Windhill apartment loan agreement referenced a drawdown point "two years after break even operations" rather than the specific language of the NCHFA QAP which references a drawdown point two full years after reaching stabilized occupancy;

WHEREAS, the Seager Place and Rankin School Place loan agreements incorporate the language referring to the drawdown of Operating Reserves when in fact, at the time these projects were approved, this was no longer an option under the NCFHA QAP guidelines and should be deleted from these two agreements;

WHEREAS, it is necessary for these three agreements to be amended in order to comply with the guidelines of the NCHFA QAP.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Manager is hereby authorized to amend the Windhill Apartment loan agreement to change the drawdown point from "two years after break even operations" to two full years after reaching stabilized occupancy.
2. That the City Manager is hereby authorized to amend the Seager Place and Rankin School Place loan agreements to delete the "drawdown" language completely.

(Signed) T. Dianne Bellamy-Small

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Motion to approve minutes of regular meeting of February 21, 2006 was unanimously adopted.

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Mayor Holliday introduced a resolution adopting Urban Development Investment Guidelines (for evaluating development and redevelopment projects in downtown and reinvestment areas and corridors that have requested City participation.

After brief comments by the City Manager and Mayor, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

44-06 RESOLUTION ADOPTING URBAN DEVELOPMENT INVESTMENT GUIDELINES (FOR EVALUATING DEVELOPMENT AND REDEVELOPMENT PROJECTS IN DOWNTOWN AND REINVESTMENT AREAS AND CORRIDORS THAT HAVE REQUESTED CITY PARTICIPATION)

WHEREAS, the Connections 2025 Comprehensive Plan recommends intensification of development within the downtown and identified reinvestment areas and corridors;

WHEREAS, due to the likelihood that the City will receive requests for assistance from developers proposing projects within these identified areas, City Council requested staff to develop a process and tool for evaluating such proposals;

WHEREAS, during the preparation of the guidelines, City staff researched similar programs in other cities and also held focus group meetings with private developers and lenders;

WHEREAS, the staff has developed the Urban Development Investment Guidelines, said guidelines presented herewith this day;

WHEREAS, the Urban Development Investment Guidelines, will aid interested developers by providing information to developers on what projects will be accepted for review by the City, what information is required to be submitted and what criteria will be used in evaluating and recommending proposals for City assistance;

WHEREAS, any decisions regarding financial assistance in any form or the waiver of any aspect of these guidelines, are solely at the discretion of City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Urban Development Investment Guidelines presented herewith this day are hereby adopted.

(Signed) Thomas M. Phillips

(A copy of the Urban Development Investment Guidelines as introduced and adopted is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Councilmember Carmany moved that Cathy Crutchfield be appointed to fill the unexpired portion of term of Maria Byars, resigned, on the Commissions on the Status of Women; this term will expire 15 August 2007. The motion was seconded by Councilmember Johnson and adopted by voice vote of Council. NOTE: Sarla Sharma was appointed to fill this position at an earlier meeting but did not accept the appointment.

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Councilmember Phillips requested the City Attorney to include in the City's legislative packet to the North Carolina General Assembly, a request to eliminate the law requiring an elected official to sign a notary application and to eliminate the requirement for Council to read findings for changes to the Comprehensive Plan.

Brief discussion was held with regard to the change in the conflict of interest voting requirements for zoning matters which in the past had required Council to vote unless they had a direct financial interest and now permitted Council to abstain if the participation in the zoning matter could appear to have an impact on his property.

Speaking to the cost of Greensboro's current recycling program and the future transition to the use of transfer stations, Councilmember Phillips requested staff to look at the overall issue of the City's recycling program to determine the most efficient and cost effective manner in which to offer recycling to Greensboro citizens.

The City Manager briefly reviewed the recycling program and provided details with regard to contracts that were currently in place and information about that company's recapture rate; he stated there were two major streams, residential and commercial, involved in the recycling program and spoke to the rejection of contaminated material. Stating that the current contract with the current provider extended to 2008, the Manager stated that this would be a good time for Council to consider what they wanted to do with the recycling program.

Council discussed their desire to receive information about the overall recycling program at the upcoming briefing, including but not limited to, an overview of the operation, alternates to the current program and cost information for the current program and alternatives.

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Council discussed various items and events of interest, including the work to enhance Peeler Recreation Center, the upcoming City Employee Breakfast, the March 21 public hearing to receive public input with respect to a referendum, and the March 30 Guilford Legislative Delegation meeting in the Council Chamber.

Councilmember Gatten added the names of Michael Shiftan and Tom Clary to the boards and commissions data bank for consideration for future service.

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Councilmember Barber requested staff to prepare an ordinance for consideration by Council on March 21 amending Chapter 30 with regard to trees in the right-of-way.

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After discussion was held with regard to an upcoming event to honor Joey Cheek for his success in the winter Olympics, Councilmember Johnson moved that the City co-sponsor the event in the same manner as other similar events. The motion was seconded by Councilmember Bellamy-Small and adopted by voice vote of Council.

Council discussion was held with regard to recent ACC events at the Coliseum; Council expressed appreciation to Matt Brown, Coliseum Director, the Coliseum staff and other City departments for their excellent work.

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After remarks by the City Manager with regard to the budget issues facing the Greensboro Transit Authority (GTA), he provided information with regard to significant additional funding that would be needed to continue at the current level the Specialized Community Area Transportation Service (SCAT) for citizens with disabilities; he detailed the manner in which this service had been funded with reserve funds during this budget year. The City Manager spoke to overcrowding on busses and to the possible need to convert to a 30-minute service for all routes; he detailed the cost in new money to fund this enhancement. He stated that Council would need to give staff directions as to what they wanted to do in this area.

Councilmember Bellamy-Small offered details with regard to her personal experiences riding a GTA bus.

After discussion about the increase in fuel costs, the information provided by Mary Zimmerman, Chairperson of the GTA that outlined issues facing the Authority, the need to review the current services and

determine ways to modify or streamline the services, Council agreed to establish a task force, including Councilmembers Gatten, Bellamy-Small and Wells and three individuals appointed by the Mayor, to examine the SCAT and develop recommendations. It appeared to be the consensus of Council that a report would be presented at the April 18, 2006 Council meeting.

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With regard to Police Department budget issues and the need for information to assist Council in determining departmental needs, Councilmember Carmany requested input from the Interim Police Chief and his staff as to whether they felt the report from two years ago with regard to staffing levels was still accurate and requested that the police dispatch records be examined to determine how many calls had been received when no officer was available to dispatch. Discussion was held about recent media reports about police response time, source of information, police response time vs. level of need/types of service, level of staffing and funding resources, etc.

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Councilmember Johnson requested the City Attorney to provide information for Council discussion with regard to potential benefits and dangers of using short-term, targeted taxes. Discussion was held with regard to the manner in which these taxes had been used in other municipalities.

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Councilmember Barber requested staff to provide information with regard to essential and non-essential services in the following categories: citizen services, health and safety, regulatory and other (quality of life).

Brief discussion was held with regard to the money allocated in the past and current budgets for housing.

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In response to Council's desire for the Mayor to recommend a committee structure for reviewing City Department programs and budget, the Mayor distributed for Council's information with regard to the proposed three groups of three members of Council and three groups of departments; the Mayor explained the process and assignments.

Council discussion was held with regard to the process; i.e., meeting schedules, the public notice process and conformity with open meetings laws, Council's long-term commitment to these committees, etc. Councilmember Groat suggested that Council might wish to conduct a public survey to enable citizens to rank the importance of services they receive. The Manager stated that budget information would be provided to Council within the next week.

At the direction of Council the City Clerk conducted a random drawing to determine the Council/departmental assignments for the committees; the results are as follows:

Group A	Group B	Group C
Sandra Anderson Groat	Keith Holliday	Sandy Carmany
Yvonne Johnson	Goldie Wells	T. Dianne Bellamy- Small
Tom Phillips	Florence Gatten	Mike Barber

Group A Departments	Group B Departments	Group C Departments
Guilford Metro 911	Fire	Police
Coliseum	Libraries	Engineering & Inspections
Water Resources	Parks & Recreation	Environmental Services
Housing & Comm Development	Field Operations	Financial & Admin. Services
Transportation	Planning	Legal
Human Resources	ODC	Executive
Management Information Sys.	Human Relations	Budget & Evaluation
Legislative (Clerk)		

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Councilmember Bellamy-Small moved that the City Council adjourn. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 9:33 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
